



## **IN THE COURT OF CRIMINAL APPEALS OF TEXAS**

**NOS. WR-63,672-01 and WR-63,672-02**

**EX PARTE SUZANNE MARGARET BASSO**

**ON APPLICATION FOR WRIT OF HABEAS CORPUS AND  
SUGGESTION TO RECONSIDER INITIAL WRIT APPLICATION  
CAUSE NOS. 0816855-A AND B IN THE 232<sup>ND</sup> DISTRICT COURT  
HARRIS COUNTY**

*Per Curiam.*

### **ORDER**

This is a subsequent application for writ of habeas corpus filed pursuant to the provisions of Texas Code of Criminal Procedure Article 11.071, § 5 and a suggestion that the Court reconsider on its own initiative certain claims raised in applicant's initial writ

application.<sup>1</sup>

In August 1999, a jury convicted applicant of the offense of capital murder. The jury answered the special issues submitted under Article 37.071, and the trial court, accordingly, set punishment at death. This Court affirmed applicant's conviction and sentence on direct appeal. *Basso v. State*, No. AP-73,672 (Tex. Crim. App. Jan. 15, 2003)(not designated for publication).

Applicant filed her initial post-conviction application for writ of habeas corpus in the convicting court on September 12, 2001. This Court denied relief. *Ex parte Basso*, No. WR-63,672-01 (Tex. Crim. App. Sept. 20, 2006)(not designated for publication). Applicant filed this her first subsequent application for writ of habeas corpus in the trial court on January 27, 2014.

In her subsequent writ application, applicant asserts that her death sentence violates the Eighth Amendment because a witness presented unreliable testimony, defense counsel failed to investigate and present mitigating evidence, and Article 46.05 is unconstitutional. We have reviewed applicant's claims and find that they fail to meet the dictates of Article 11.071 § 5. Accordingly, we dismiss the application as an abuse of the writ without considering the merits of the claims. Likewise, we have reviewed applicant's suggestion that we reconsider on our own motion certain claims raised in her initial writ application. We decline to do so. Applicant's motion to stay her execution is

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<sup>1</sup> Unless otherwise indicated, all references to Articles are to the Texas Code of Criminal Procedure.

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denied to the extent it pertains to these pleadings.

IT IS SO ORDERED THIS THE 3<sup>rd</sup> DAY OF FEBRUARY, 2014.

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